



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (12/31/00)

Agency: Department of Ecology A.O. # 97-09A

☒ Permanent Rule  
☐ Emergency Rule  
☐ Expedited Repeal

(1) Date of adoption: 2/12/01

(2) Purpose: Implement changes recommended by the Model Toxics Control Act Policy Advisory Committee in its December 1996 report to the Legislature and Ecology; comply with other laws and the Governor's Executive Order on Regulatory Reform.

(3) Citation of existing rules affected by this order:

Repealed:

Amended: Chapter 173-340 WAC; Chapter 173-321 WAC; Chapter 173-322 WAC

Suspended:

(4) Statutory authority for adoption: Chapter 70.105D RCW

Other Authority:

## PERMANENT RULE ONLY

Adopted under notice file as WSR #00-16-135 on August 2, 2000.

Describe any changes other than editing from proposed to adopted version: [See attachment.](#)

## EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

## EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR # \_\_\_\_\_ on \_\_\_\_\_ (date).

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If yes, explain:

(6) Effective date of rule:

Permanent Rules  
or Expedited Rule Making

X31 days after filing except for  
Chapter 173-340 WAC which  
will be effective on Aug.15, 2001

Other (specify) \_\_\_\_\_

Emergency Rules

☐ Immediately

☐ Later (specify)

CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

FEB 12 2001

WSR:3:08 PM

TIME: 01-05-024

NAME (TYPE OR PRINT)

Tom Fitzsimmons

SIGNATURE

TITLE

Director

DATE

2/12/011

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New <input type="checkbox"/>	Amended <input type="checkbox"/>	Repealed <input type="checkbox"/>
<b>Federal rules or standards:</b>	New <input type="checkbox"/>	Amended <input type="checkbox"/>	Repealed <input type="checkbox"/>
<b>Recently enacted* state statutes:</b>	New <input type="checkbox"/>	Amended <input type="checkbox"/>	Repealed <input type="checkbox"/>

\*(current calendar year)

**The number of sections adopted at the request of a nongovernmental entity:**

New 15	Amended 31	Repealed <input type="checkbox"/>
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**The number of sections adopted on the agency's own initiative:**

New 2	Amended 30	Repealed <input type="checkbox"/>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New 15	Amended 61	Repealed <input type="checkbox"/>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New 15	Amended 61	Repealed <input type="checkbox"/>
<b>Pilot rule making:</b>	New 6	Amended <input type="checkbox"/>	Repealed <input type="checkbox"/>
<b>Other alternative rule making:</b>	New <input type="checkbox"/>	Amended <input type="checkbox"/>	Repealed <input type="checkbox"/>

## Description of changes to August 2000 Proposed MTCA Rule Amendments

There are a number of changes, other than editing, from the August 2000 proposed rule amendment to the February 2001 adopted version for Chapter 173-340 WAC. The changes are:

- Clarified the meaning and use of the definitions for "natural attenuation", "free product", "nonaqueous phase liquid" in WAC 173-340-200 and other parts of the rule.
- Revised WAC 173-340-330(7) regarding the removal of municipal solid waste landfill sites from the Hazardous Sites List.
- Clarified the description of remediation levels in WAC 173-340-355.
- Clarified language in WAC 173-340-390 regarding the development, applicability and application of model remedies.
- Clarified the meaning of "engineered controls" as used in WAC 173-340-440.
- Added clarifying language to WAC 173-340-700 and other sections regarding the procedures for conducting terrestrial ecological evaluations.
- Added clarifying language to WAC 173-340-700 regarding the use of conceptual site models.
- Clarified the process for developing reference doses/reference concentrations as described in WAC 173-340-708.
- Added language to WAC 173-340-708 clarifying Ecology's authority to modify the default exposure parameters when necessary to establish a more stringent cleanup level to protect human health and the environment.
- Added language to WAC 173-340-720 clarifying that Method A cleanup levels for potable ground water must be protective of surface water beneficial uses.
- Added clarifying language to WAC 173-340-720 regarding the applicability of institutional controls.
- Clarified the meaning of "mixing zones" as used in WAC 173-340-730.
- Revised the language in WAC 173-340-740 and 745 regarding when a soil to vapor pathway must be evaluated.
- Revised the language in WAC 173-340-750 regarding the conditional point of compliance requirement for ambient air.
- Revised the ground water cleanup level concentration for mineral oil found in Table 720-1.
- Clarified the meaning of the phrase "gasoline mixtures without benzene" as used in Table 740-1 and 745-1.
- Revised the physical/chemical values for petroleum fractions found in Table 747-4.
- Revised the testing requirements for petroleum releases found in Table 830-1.